

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDDY H. PAULUS II,

Plaintiff,

v.

HARL, et al.,

Defendants.

1:21-cv-00094-JLT-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL**

(Doc. 12.)

**ORDER FOR THIS CASE TO PROCEED
ONLY AGAINST DEFENDANT
BERTRAND FOR VIOLATION OF THE
ADA, AND DISMISSING ALL OTHER
CLAIMS AND DEFENDANTS FOR
FAILURE TO STATE A CLAIM**

Eddy H. Paulus (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132 (1994). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 11, 2022, the court entered findings and recommendations, recommending that this action proceed only against defendant Bertrand for violation of the ADA, and that all other claims and defendants be dismissed from this action based on Plaintiff’s failure to state a claim. (Doc. 12.) Plaintiff was granted fourteen days in which to file objections to the findings and recommendations. (*Id.*) The fourteen-day time period has expired, and Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The findings and recommendations issued by the magistrate judge on April 11, 2022, (Doc. 12), are adopted in full;
2. This case now proceeds with Plaintiff's claims against defendant Bertrand for violation of the ADA;
3. All other claims and defendants are dismissed from this case based on Plaintiff's failure to state a claim; and
4. This case is referred back to the magistrate judge for further proceedings, including initiation of service of process.

IT IS SO ORDERED.

Dated: May 15, 2022

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE